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Attorneys for Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

JUN GAO,

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary of the
 Department of Homeland Security;
 EMILIO T. GONZALEZ, Director,
 U.S. Citizenship and Immigration Services;
 CHRISTINA POULOS, Director,
 California Service Center, U.S.C.I.S.;
 ROBERT S. MUELLER, Director
 of Federal Bureau of Investigation,

Defendants.

No. C 06-7879 MMC

**PARTIES' JOINT REQUEST TO BE
 EXEMPT FROM FORMAL ADR
 PROCESS; ORDER THEREON**

Each of the undersigned certifies that he or she has read either the handbook entitled "Dispute Resolution Procedures in the Northern District of California," or the specified portions of the ADR Unit's Internet site <www.adr.cand.uscourts.gov>, discussed the available dispute resolution options provided by the court and private entities, and considered whether this case might benefit from any of them. Here, the parties agree that referral to a formal ADR process will not be beneficial because this mandamus action is limited to Plaintiff's request that this Court compel Defendants to act more expeditiously and adjudicate the application for adjustment of status. USCIS has already requested that the FBI expedite the name check so that the application may be

1 processed as soon as possible. Given the substance of the action and the lack of any potential
2 middle ground, ADR will only serve to multiply the proceedings and unnecessarily tax court
3 resources. Accordingly, pursuant to ADR L.R. 3-3(c), the parties request the case be removed
4 from the ADR Multi-Option Program and that they be excused from participating in the ADR
5 phone conference and any further formal ADR process.

6
7 Dated: May 2, 2007

Respectfully submitted,

8 SCOTT N. SCHOOLS
9 United States Attorney

10 /s/
11 ILA C. DEISS
12 Assistant United States Attorney
13 Attorneys for Defendants

14 Dated: May 2, 2007


15 /s/
16 JUSTIN WANG
17 Attorney for Plaintiff

18 **ORDER**

19 Pursuant to stipulation and to ADR L. R. 3-3(c), the parties are hereby removed from the ADR
20 Multi-Option Program and are excused from participating in the ADR phone conference and any
21 further formal ADR process.

22 **SO ORDERED.**

23 Dated: May 4, 2007

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25 MAXINE M. CHESNEY
26 United States District Judge
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